

## People Management, Complaints & the WRC Annual Report

April 30, 2021

Organisations within the Community, Voluntary and Not-For-Profit sector have worked tirelessly since the pandemic began to create normalcy in an otherwise abnormal year. The current health crisis has however had an impact on funding and fundraising as well as operational restrictions, which have played some part in the effects on resources within these organisations. While strategic initiatives have had to pivot over the last year the implications to employee relations have been more mainstream, in that employee disconnect and low morale has caused disputes for some organisations.

### People Management

The announcement to ease some of the government restrictions is a welcomed change, however, for the majority of organisations a continuation of working practices which have been in place the past year are set to continue. While we await the introduction of legislation on remote working to give clarity to both employers and employees, organisations should continue to focus on employee engagement in order to promote good employee relations amongst staff. People management will play a huge part in the promotion and maintenance of employee engagement, especially where there has been an influx of change to work practices, policies and procedures and resourcing. Employees are being afforded much more flexibility in their working day than ever before with employers understanding that there is a blending of work-life balance required and this acceptance leads to favourable engagement from employees.

The importance of this focus should not be underestimated, and line managers should continue to set role and function expectations and provide clarity regarding agreed workload and priorities. There may also be a need to adjust key performance indicators if further changes to the workforce have been implemented. It is therefore important to focus on the outputs or outcomes and measure accordingly, not just on the activity or time taken to do specific tasks. While it is impossible to manage every aspect of the work done by a remote team or a hybrid remote team, it should not be the focus, because micro-management or what is perceived to be micro-management, can lead to disengagement and even internal disputes.

Managers should be flexible and be there to offer support and encouragement, particularly for those who continue to struggle. Continue to design and revise policies so that they too can be dynamically flexible in the event of further change being necessitated. Positive people management will act as a driver for employee engagement and will mitigate any discord that may present. Notwithstanding the fact that the majority of organisations are practising good employee relation management, there continues to be internal disputes that have and will present at third parties. To understand the impact of conflict within the workplace it is timely to consider the Workplace Relations Commission (WRC) Annual Report for 2020, which was published this week. This provides useful insights into the types and amounts of disputes progressing to the third party. By highlighting some key findings, we can then identify the trends emerging so that organisations can seek to address issues at an early stage to circumvent any formal complaints progressing to the WRC and mitigate any financial liability that may present at that stage.

## **Workplace Relations Commission (WRC) Annual Report, 2020 - Complaints received**

In total, there were 8,103 complaints received by the WRC in 2020, a decrease of 2.5% on 2019 when 8,309 were received. These encompassed a total of 18,969 individual complaints, again down on 20,939 in 2019. And, while these were down on 2019, they were still higher than any of the other previous years.

Of the complaints received, 4,117 related to pay; 3,894 related to redundancy, a six-fold increase on 2019, and 3,150 were to do with hours of work.

There was a notable decrease in the number of complaints relating to Discrimination/Equality & Equal Status. Down 27% to 1,331, this was the lowest number of complaints in this category received in any one year since the establishment of the WRC. Complaints about working hours also fell between 2019 and 2020.

### **Information line**

In terms of calls to the WRC information line, it dealt with 53,000 in 2020, again slightly down on 2019 when it received 55,000. However, in terms of the types of calls they received, there was an increase in the number of people looking for information on redundancies. While not unexpected given the impact of the health crisis, this trend is likely to continue into 2022.

### **Conciliation**

According to the report, demand for Conciliation declined briefly during the initial stages of the Covid-19 crisis but returned to more normal levels towards the end of 2020. The WRC received just under 690 requests for conciliation services, down from 1,202 last year, that required 735 conciliation conferences.

Pay was the main reason for conciliation, accounting for 39% of requests received, up on last year's 34%. Industrial Relations issues such as changes to conditions of employment, new technologies, union management agreements productivity, outsourcing accounted for a quarter (25%) of requests and 22% for issues around Organisational Structure such as shift work, staffing, restructuring, rosters, hours of work and change in work practices.

Resolution success rates were still high despite the challenges of remote hearings and continued to be in the high 80% range. Given parties are not in the same room, it can prove difficult to understand the relationships involved and the potential for settlement.

### **Health & Safety inspections**

Just over 7,680 inspections were carried out to ensure compliance with employment law and the Return-to-Work Protocols associated with public health restrictions, of which 5,202 were unannounced. Of these, 1,760 were found to be in breach and 81 were convicted in summary proceedings, down from 125 in 2019.

Also, as a result of inspections carried out, over €1.6m was recovered in unpaid wages. As organisations begin to emerge from the pandemic, we believe there will be more activity in terms of complaints and calls to the WRC. Certainly, the expectation is that as Government financial supports finish up, there will be an increase in the number of redundancies, so we would expect to see that particular trend to continue to increase. And, as remote hearings, as well as the recent ruling by the Supreme Court on hearings having to be in public, we may see more activity

on this front as well, providing indications that next year will be a challenging one for the WRC and employers.

## **Conclusion**

The impact of the pandemic has not slowed the progression of complaints to the WRC and in fact the disconnect or discord felt in some organisations may lead to additional referrals in the upcoming year. To ensure that your organisation is mitigating any potential claim it is important that People Management continues to be a focus to promote good employee relations and employee engagement. Communication is central to supporting best practice when it comes to dealing with employee issues as well as ensuring your organisation has the correct policies and procedures, not only in place, but also adopted within the framework of your people agenda.

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